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May 1, 2019

VIA ECF

The Honorable LaShann DeArcy Hall
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Elliott v. Donegan et al., 1:18-cv-05680 (LDH) (SJB)

Dear Judge DeArcy Hall:

We represent Plaintiff, Stephen Elliott, in the above-referenced matter and respectfully submit this letter seeking permission to amend two issues with Plaintiff's Amended Complaint, filed on March 22, 2019 (Document #24). The portions Plaintiff intends to change include 1) the numbering of the paragraphs contained within pages 11 and 15 of the Amended Complaint, and 2) a portion of the final sentence in paragraph 63 of the Amended Complaint, as described further below. Plaintiff counsel has conferred with counsel for Defendant Donegan, and the aforementioned amendments would be made with the consent of opposing counsel.

The initial request pertains to the numbering of paragraphs contained within pages 11 to 15 of the Amended Complaint, namely paragraphs 47 to 70 on said pages. The numbered paragraphs, on pages 11 to 15, should be amended to consecutively number paragraph 50 to paragraph 76. A copy of the Amended Complaint, with the proposed corrections, is enclosed for Your Honor's review.

The second request pertains to a portion of the final sentence in paragraph 63 of the Amended Complaint. Upon conferring with counsel for Defendant Donegan, Plaintiff seeks to amend the second sentence of paragraph 63 of the Amended Complaint. The new paragraph would be numbered paragraph 69 and read as follows:

In the article cited in paragraph 56 above, and elsewhere, Defendant Donegan has admitted that The List was circulated to individuals whose identities she did not know and that such individuals were able to and did post entries on The List. When asked by Plaintiff for information as to the identities of the individuals posting the entries on The List specifically concerning Plaintiff, Defendant Donegan (through counsel) replied, "*We would not provide any information about who wrote the statements and we would not provide any information regarding our client's knowledge, or lack thereof, regarding who wrote the statements.*"



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Plaintiff respectfully requests permission to make the aforementioned amendments, in accordance with the attached proposed Amended Complaint. Plaintiff thanks the Court, and opposing counsel, for the courtesy and consideration.

Very truly yours,
NESENOFF & MILTENBERG, LLP

By: /s/ Nicholas Lewis
Andrew Miltenberg, Esq.
Stuart Bernstein, Esq.
Nicholas Lewis, Esq.

CC: All Counsel (Via ECF)